

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Dear Garner,

Plaintiff

v.

CASE NO. _____

James Muenchow (C.E.), Donald
Strahota (Deputy Warden), Mr. Greff
(Unit Manager), Lt. Schneider, Lt. Waller,
Francis Palickara (Chapel),

Defendants.

Complaint.

Comes Now Plaintiff, Oscar Garner, "Garner", proceeding herein.
Pls. Pursuant to Title 42 U.S.C. § 1983 with his complaint against the above
named defendants. Garner invokes the Federal Claims raised herein.

Parties

1. Plaintiff, Oscar Garner, is a United States Citizen and Adult
Resident of the State of Wisconsin and at all times relevant to this action
was confined as a prisoner at Waupun Correction Inst., Now housed at N.S.P.C.
located at: P.O. Box 9900, Boscobel, Wis 53805.

2. Defendant, James Muenchow, is a United States citizen and
is employed by the State of Wisconsin Dept. of corr. (W.D.O.C.), as a Complaint
Examiner at W.C.I., whose Employment address is: 200 S. Madison St. Waupun
Wis. 53963.

3. Defendant, Donald Strahota, is a United States citizen and is
Employed by the State of Wisconsin Dept. of corr. (W.D.O.C.), as a Deputy Warden
at W.C.I., whose Employment Address is 200 S. Madison St., Waupun, Wis 53963.

4. Defendant, Mr. Greff, is a United States citizen and is
Employed by the State of Wisconsin Dept. of corr. (W.D.O.C.), as a Unit Manager of
Segregation at W.C.I., whose Employment Address is 200 S. Madison St., Waupun, Wis.
53963.

5. Defendant, Schneider, is a United States Citizen and was employed by the State of Wisconsin Department of ~~corr.~~ corr. (W.D.O.C.), as a Lieutenant at W.C.I., whose employment Address is: 200 S. Madison St. Waupun, Wis 53963.

6. Defendant, Waller, is a United States Citizen and was employed by the State of Wisconsin Dept. of corr. (W.D.O.C.), as a Sergeant but Now a Lieutenant at W.C.I., whose employment Address is: 3. Madison St. Waupun, Wis 53963.

7. Defendant, Francis Stielkars, is a United States Citizen and was employed by the State of Wisconsin Dept. of corr. (W.D.O.C.), as a Chaplin at W.C.I., whose Employment Address is: 200 S. Madison St., Waupun, Wis. 53963.

Statement of Claims.

8. On 11-27-12, I wrote to Unit Manager Mr. Greff I am being denied the Right to order prayer items out of the Catalog that we are allowed to order from while on my step and storage And I would like to be sent A Duran. The only thing he told me was didn't receive anything and I still never got a Duran.

9. I wrote More Request to Mr. Greff with no Answer.

10. On 1-13-13, I wrote Mr. Greff I would like to know why am I not allowed to receive the Catalog or order paper in ENVELOPES, prayer oil, prayer beads, prayer Ros, kuli ros, or Holly Duran or receive a Duran from the institution. Greff wrote to me saying write the Sgt. Lt.

11. On 1-14-13, I wrote a Request to Sgt. Waller an Lt. Schneider which are the head Sergeant and Lieutenant of Segregation, but no one responded to my request.

12. On 1-14-13, Mr. Greff came on the Range "B" and I spoke with him about being able to order Religious items from the Catalog. how I can order them from the Catalog and Greff Stated, You can order your religious items from the catalogs just talk to Sgt. Waller about getting the Catalogs.

13. On 1-15-13, I spoke with Sgt. Waller about having the Catalog so I can order religious items. He stated; "You can't order until you go to range-c and if you don't like it write a ICE."

14. On 2-3-13, I wrote to Mr. Kamphuis the business office, which directed me to the Chapel.

15. On 2-4-13, I wrote the Chapel about ordering my prayer thing out of the Catalog because that's the only place they sell them and Segregation denying me the right to ~~the~~ order my Duran, Kufi-cap, prayer rug, prayer beads, prayer oil. Also can you send me a Duran. I received no response.

16. On 2-9-13, Chaplin (Francis Paliekara) did a round on B-Range and I stopped him and asked him for a Duran from the Chapel and to be able to order prayer oil, prayer beads, prayer rug. An. A Kufi-Cap. He told me he can't send me the Duran I have to ask the Segregation Sergeant and as far as the prayer items I should be able to but you have to speak with the Unit Manager.

17. I filed a ICE for not being able to order a prayer rug, prayer oil, prayer beads, which was dismissed for the following, in part inmates in a segregated status have an opportunity to practice their religious faith but have restrictions based upon the nature of that status, as well as the security and resources needs of the facility. The result of allowing orders from the Canteen Catalog vendors would be an influx of property that would exhaust staff resources in order to screen for allowability both in relationship to the SEG housing unit itself but also to the inmate's Step-Series status, security restriction status and specific location within the SEG unit. (Emphasis Underlined) See: Ex. A (WCI-2013-2955)

18. On 3-12-13, Mr. Prude wrote a complaint while located on the same range and step as Garner, B-Range complaining of not being able to purchase prayer rug, kufi-cap, or prayer beads, as well as the religious items. The ICE was rejected as mooted saying that Mr. Grell has compiled a list (Segregation Catalog) that all the Segregation inmates may have that shows what items they are allowed to purchase. It was handed out the

week of 3-18-13. See. ex. B

19. Upon information And belief, I was discriminated Against because I AM A muslim and practice Islam.

20. A true And correct copy of The property Religious items Allowed in Segregation on Each Step in 2012-2013. Explaining you are allowed to have and order Religious Books, prayer beads, prayer oil, kuli-cups, prayer Rug on All the Steps And Stanges in Segregation Except when you are on Some kind of Religious Restriction. See. ex C

21. Upon information And belief, There were inmates At the time in S.E.B At Waupun Corr. Inst. in All of 2012 AND All of 2013 ordering items from the two Approved Catalogs J.L. Marcus an Union Supply on B-Range while being on Step one an Step two, ordering and receiving the following: Religious Book of Pagan an Book of Shadow as well as Catholic Rosary, Pagans Receiving Prayer oil, and Native Americans Receiving Medicine Bags and Receiving the Holy Bible in Segregation. by Mr. Greff, Chaplin Francis, Sgt. Waller and Lt. Schneider.

22. MR. Garner has never been placed on any Religious Restriction.

23. Upon information And belief the Defendants Should have allowed MR. Garner to order Religious items out of the Approved catalogs according to D.A. I. 304.61.01.

First Constitutional Claim.

Incorporating paragraphs 1 thru 23 Plaintiff Allege Defendants Violated his 1st Amendment Retaliation. See, Bell v. Johnson, 308 F. 3d 594 (C.A. Mich. 2002).

Second Constitutional Claim.

Incorporating paragraphs 1 thru 23 Plaintiff Allege Defendants Violated his 14th Amendment Equal protection (Class of one). See, Nelson v. Miller, 570 F. 3d 868 (7th Cir. 2009). (RVLVPA Act).

Requested Relief.

1. Issues A ~~to~~ Award Compensatory Damages to the Plaintiff

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in the Amount of Fifty Thousand (\$50,000) Dollars.

2. I issue a Award Punitive Damages, Against the Defendants in the Amount of Fifty Thousand (\$50,000) Dollars, Jointly and severally.

3. All Claims are brought Against the Defendants in their personal capacities.

4. Nominal Damages.

5. Plaintiff Demands a trial by jury on all matters triable.

Conclusions.

Wherefore, Plaintiff Respectfully Pray this Honorable Court to Grant the Requested Relief Sought herein.

Respectfully,

I, declare under penalty of perjury that all statements made herein are true and correct to the best of my personal knowledge.

Dated this 24th day of June, 2015



Oscar Garner #441303
(WSPF) P.O. Box 9400
Boscobel, Wisconsin 53905